

# MINNESOTA STATUTES 1945

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SCHOOL DISTRICTS; MEETINGS; ELECTIONS 124.02

## CHAPTER 124

### SCHOOL DISTRICTS; MEETINGS; ELECTIONS

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**124.01 ANNUAL MEETINGS OF COMMON SCHOOL DISTRICTS.** The annual meeting of all common school districts shall be held on the last Tuesday in June, at eight o'clock p. m., unless a different hour has been fixed at the preceding annual meeting, upon ten days' posted notice given by the clerk, and specifying the matters to come before such meeting; but failure of the clerk to give such notice, or to specify the business to be transacted thereat, shall not affect the validity of any business, except the raising of money to build or purchase a school house, the authorizing of an issue of bonds, the fixing of a school house site, or the organization as an independent district. The annual school meeting of any common school district may, in its discretion, authorize and direct the district clerk to mail a notice of annual and special school meetings to the electors of the district, at least five days before the date of the meeting; provided, that the failure or neglect of the clerk to mail such notice shall not affect or invalidate the meeting or the business transacted thereat. At the annual meeting in a common school district five legal voters shall constitute a quorum. The chairman and clerk of the school board shall officiate in their respective capacities at all meetings of the electors of the district. In the event of the absence of the chairman or clerk, the voters shall elect a chairman or clerk pro tem. The voters shall have the power at an annual meeting to repeal and modify their proceedings in accordance with the powers therein conferred and may adjourn from time to time. The polls at all school meetings shall be open at least one hour.

[R. L. ss. 1305, 1308; 1911 c. 244 s. 1; 1911 c. 351 s. 1; 1925 c. 147 s. 1; 1941 c. 169 art. 5 s. 1] (2793, 2795, 2798)

**124.02 ANNUAL ELECTION OF INDEPENDENT SCHOOL DISTRICTS.** Subdivision 1. **When held.** The annual election in all independent school districts shall be held on the third Tuesday in May at eight o'clock p. m., unless a different hour has been fixed by the school board and set forth in the posted notice, provided that in any independent district which does not maintain a graded elementary or high school the annual election shall be held on the last Tuesday in June.

Subdivision 2. **Districts maintaining one school.** Ten days' posted notice shall be given by the clerk, specifying the items to be submitted to a vote of the electors, but failure of the clerk to give such notice shall not prevent the annual election of school officers at the hour and day specified above. The polls shall be open at least one hour and may be open for a longer period, not to exceed 12 hours, if so designated in the posted notice; provided, that if the polls are open for more than one hour the school board may pay the election officials not to exceed 50 cents per hour for the time actually served by them in the performance of their duties as election officials. The voting at any annual or special election shall be by ballot and the clerk shall prepare ballots and necessary stationery. Each proposition or question submitted shall be stated separately in the notice and on the ballots. The school board shall choose three election judges, who act as clerks of election and who canvass the ballots cast and thereafter submit the same to the school board which shall meet immediately following the time of the close of the polls.

Subdivision 3. **Districts maintaining two or more schools.** In any independent school district which maintains two or more schools, the school board may, and, upon a majority vote of the electors, shall, provide for more than one polling place.

Where more than one polling place is provided, the annual school election shall be conducted as follows.

(1) Ten days' posted notice shall be given by the clerk specifying the matters to be voted upon at such annual election, setting forth the polling places established by the board, and describing the voting precincts. The clerk shall prepare, or cause to be prepared, ballots and arrange for voting booths at such places as the school board shall previously have determined.

(2) The school board shall, at least 30 days before the date of the annual election, determine the number of voting precincts, the polling places where such voting shall be conducted, and the hours the polls will be open. It shall choose, or cause to be chosen, three election judges for each polling place, which judges shall act as clerks of election, and who canvass the ballots cast and thereafter submit the same to the school board, which board shall be in session at the time and receive such ballots.

(3) The school board may pay such judges an amount not to exceed 50 cents per hour for the time actually served by them in the performance of their duties as judges of election.

(4) The polls shall be open for at least one hour; and may be open for a longer period, not to exceed 12 hours, if so designated in the posted notice.

At the first election of a newly organized independent school district, six directors shall be elected, two to hold until July 1 following the next annual election, two to hold until the expiration of one year, and two until the expiration of two years, from said July 1; the time which each director shall hold being designated on the ballot.

[*R. L. ss. 1305, 1314; 1925 c. 147 s. 1; 1931 c. 390; 1937 c. 427 s. 1; 1939 c. 62 ss. 1, 5; 1941 c. 169 art. 5 s. 2*] (2793, 2806)

**124.03 CHANGE IN TIME OF HOLDING ANNUAL MEETING.** In any school district in this state, whether organized under a general or a special law, where the annual meeting is required by law to be held on the first Monday of September in each year, the time of such annual meeting is hereby changed to the last Tuesday of June in each year.

[*1933 c. 84; 1939 c. 62 s. 2; 1941 c. 169 art. 5 s. 3*] (2793-1)

**124.04 ELECTION OF OFFICERS IN SPECIAL SCHOOL DISTRICTS.** Subdivision 1. **When time is not specified.** Unless otherwise provided by law, the election of officers in all special school districts shall be held at the same time and in the same manner as provided for annual elections in independent districts and the school board of the special district shall in such case have the same powers and duties with respect to the election as the school board of an independent district.

Subdivision 2. **When held at time of village election.** In all special school districts where the election of school officers, by the provisions of any special law, is held at the same time and place and in the same manner as the election of village officers of a village, and the judges of the village election act as judges of the school election and such village has been or shall be organized as a city, such school election shall be held at the same time and place and in the manner as the election of city officers in the city, and the judges of the city election shall act as judges of the school district election.

[*1929 c. 92; 1941 c. 169 art. 5 s. 4*] (2807-1)

**124.05 CANDIDATES FOR SCHOOL DISTRICT OFFICES; BALLOTS.** Subdivision 1. **Filing of candidates.** Any person desiring to be a candidate for a school district office at the annual meeting or election of the district shall file with the clerk of the district an application to be placed on the ballot for such office, or any five voters of the district may file such application for or on behalf of any qualified voter in the district that they desire shall be such candidate. The application shall be filed not more than 30, nor less than 12, days before the annual school district meeting. The clerk of the district, in his notice of annual meeting or election, shall state the names of the candidates for whom applications have been filed, failure to do so shall not affect the validity of the election thereafter held.

Subdivision 2. **Ballots.** The clerk shall prepare, at the expense of the district, necessary ballots for the election of officers, placing thereon the names of the proposed candidates for such office, with a blank space after such names, and such ballots shall be substantially prepared as are ballots for general elections, such ballots shall be marked and signed as official ballots, and the ballots so prepared by the

clerk of the district shall be used to the exclusion of all other ballots at such annual school meeting or election in the election of officers of the district. Nothing in this section shall apply to or affect school districts employing but one teacher.

[1917 c. 384; 1925 c. 295; 1941 c. 169 art. 5 s. 5] (2799)

**124.06 NOMINATION OF CANDIDATES IN DISTRICTS EMPLOYING ONLY ONE TEACHER.** At the annual meeting of common school districts employing only one teacher, nomination of candidates for school district offices may be made from the floor by any qualified voter.

[1941 c. 169 art. 5 s. 6]

**124.07 SPECIAL SCHOOL MEETINGS IN COMMON SCHOOL DISTRICTS.** Upon written request of five freeholders and voters of a common school district, specifying the business to be acted upon, or upon the adoption of a proper resolution, so specifying, by the school board, or upon a request, so specifying, signed by a majority of the members of the school board, the clerk shall call a special meeting of such district upon ten days' posted notice and one week's published notice, if there be a newspaper printed in such district and specify in such notice the business named in such request or resolution and the time and place of the meeting. If there be no clerk in the district or if he fails for three days after receiving such request or resolution to give notice of such meeting, it may be called by like notice by five freeholders and voters of the district. No business except that named in the notice shall be transacted at such meeting.

In case it shall be made to appear by affidavit that there are not five voters who are freeholders in any school district, or that there is not a legal school board therein, the county superintendent of schools of the county in which such district is located shall, if in his opinion there is need for such school meeting, call such meeting by giving notice thereof as provided in this section.

[R. L. s. 1306; 1913 c. 142 s. 1; 1941 c. 169 art. 5 s. 7] (2794)

**124.08 SPECIAL SCHOOL ELECTION IN INDEPENDENT SCHOOL DISTRICTS.** The school board of an independent district may, and, upon petition of ten or more voters of the district, shall by resolution call a special election to vote on any matter requiring approval of the voters of the district, including issuance of bonds, designation and purchase of sites, erection of buildings, and establishment of joint recreation programs. The election shall be called by the clerk upon ten days' posted notice and one week's published notice, if there be a newspaper published in such district. The notice shall include a copy of the resolution and specify the time and place of the election, and no questions shall be submitted to the voters at the election except those named in the notice. Such special election shall be held in the same manner as provided for annual election.

[1941 c. 169 art. 5 s. 8]

**124.09 POWERS OF ANNUAL MEETINGS OR ELECTIONS.** Subdivision 1. **Election of officers.** The annual meeting or election shall have power to elect by ballot officers of the district. In all elections or vote by ballot, the clerk shall record the names of all voters participating therein and the chairman shall appoint as tellers two disinterested electors, who, with the assistance of the clerk, shall supervise the balloting and canvass the votes.

Subdivision 2. **School houses and sites.** The annual meeting or election shall have power to designate a site for a school house and provide for building or otherwise placing a school house thereon, when proper notice has been given; but a site on which a school house stands or is begun shall not be changed except by vote therefor, designating a new site of three-fifths of the legal voters of the district voting on the question, who have resided therein not less than one year prior to the vote.

Subdivision 3. **Bonds.** The annual meeting or election shall have power to authorize the issuance of bonds as provided by Mason's Minnesota Statutes of 1927, Chapter 10.

[R. L. s. 1308; 1911 c. 249 s. 1; 1929 c. 26; 1941 c. 169 art. 5 s. 9] (2798)

**124.10 ADDITIONAL POWERS OF MEETINGS IN COMMON SCHOOL DISTRICTS.** At the first meeting of each common school district embracing or containing less than ten townships, the chairman shall be elected to hold office until July first following the next annual meeting, the treasurer until one year from such date, and the clerk until two years from such date.

In addition to the foregoing powers, any common school district, at its annual meeting or at a special meeting when proper notice has been given, may vote a sufficient fund for the maintenance of its schools and for all other proper purposes, appoint a librarian, and make rules for the use and management of the library, and direct the school board to make designated improvements to school property, and to provide free textbooks for the schools.

[R. L. ss. 1309, 1313; 1909 c. 187 s. 2; 1939 c. 62 s. 4; 1941 c. 169 art. 5 s. 10] (2800, 2805)

**124.11 SPECIAL SCHOOL ELECTIONS IN CITIES OF FOURTH CLASS.** Subdivision 1. **Supplemental powers.** The provisions of this section shall apply to all school districts, however organized, the territorial boundaries of which are coterminous with the territorial boundaries of a city of the fourth class, and are supplementary and additional to all other powers conferred by law on any such school district.

Subdivision 2. **School board; clerk defined.** By the expression "school board," as used herein, is meant the governing body of such school district, however designated, and by the word "clerk," the school district's officer who under any title, performs clerical functions.

Subdivision 3. **Resolution calling election.** The school board of any such school district, shall have authority by resolution to call special elections of such school district, and to cause to be submitted thereat to its electors any proposition or question provided or permitted by law to be submitted to the electors of a school district at a special school election or meeting, including the proposition or question of issuing the school district's bonds under any applicable law.

Subdivision 4. **Election precincts and polling places.** For the purposes of any such special election, the school district shall consist of election precincts or voting districts as many in number and identical as to boundaries with the election precincts or voting districts into which the city may at the time be divided for the purposes of a general election, and the special election shall be held in such election precincts or voting districts. There shall be one polling place for each voting precinct or election district. The resolution calling any such special election shall name the voting places and provide for election officers in accordance with the provisions of law in that regard applicable to such city or school district and prescribe the time during which the polls shall be kept open, which shall not be less than one hour.

Subdivision 5. **Notice of elections.** The school board shall give notice of any such special election by ten days' posted notice thereof, signed by the clerk, in each of the election precincts or voting districts and by one week's publication thereof in a newspaper, if a newspaper is published in the school district.

Subdivision 6. **Conduct of election.** The voting at any such special election shall be by ballot and the clerk shall prepare ballots and necessary stationery. More than one proposition or question may be submitted at the same special election, but each proposition or question submitted shall be stated separately in the notice and on the ballots. The compensation of election officers shall be in conformity with the general election laws and the school board is empowered to pay all expenses for any such special election out of the district's funds. The general election laws shall govern in the conduct of the election. The returns from each election precinct or voting district shall be made to the school board, and by it canvassed within three days after the holding of the election. In the event of a contest, the provisions of section 208.07 shall apply and govern.

[1925 c. 10 ss. 1, 2, 3, 4; 1941 c. 169 art. 5 s. 11] (2801-1, 2801-2, 2801-3, 2801-4)

**124.12 ELECTIONS IN DISTRICTS CONTAINING TWO OR MORE VILLAGES.** Subdivision 1. **Election precincts.** In all independent school districts in this state having within their boundaries two or more organized villages, the school board shall, at least 30 days before the next annual school election to be held in such districts after April 12, 1915, by resolution in writing divide the district into precincts for the purpose of electing members of the school board, voting on the issue of bonds, and on all other matters specifically submitted for vote by ballot; and may thereafter change the boundaries of such precincts, consolidate two or more, or establish new ones, as the convenience of the voters shall require. Such

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resolutions shall describe the precincts, giving the boundaries thereof, fix the polling place at some school building in each precinct most convenient and accessible to the majority of voters therein and be filed in the office of the district school clerk, and a copy thereof forthwith filed in the office of the auditor of the county wherein the district is located.

**Subdivision 2. Time of election.** The regular elections in these precincts shall be held at the same time as annual elections in independent districts. The polls shall be opened and closed at the hours fixed by the school board.

**Subdivision 3. Notice of election.** Notice of such elections shall be given in each precinct in the same way and for the same length of time as provided by law for annual school elections, stating the time and place and matters to be voted on; and no proposition, except the election of officers, shall be voted on unless specified in the notice.

**Subdivision 4. Appointment of election officials.** At least 20 days before the next annual school election of such district, the school board shall, by resolution filed with the clerk of the board, appoint from the resident electors a moderator or judge of election and two clerks from each precinct. The clerk of the school board shall immediately notify in writing each person so appointed of his appointment and such person, if present at the hour set for opening the polls, shall qualify, open the polls, and conduct such elections the same as elections are conducted at annual school elections. If any of such appointed officers are absent or fail to act at the hour set for opening the polls, the electors present may choose any elector then present to fill the vacancy, who shall qualify and act.

**Subdivision 5. Conduct of election.** Each voter shall, after marking his ballot, fold the same so as not to disclose any markings thereon, hand the same to the moderator, who shall deposit it in the ballot box. The election officers shall keep a poll list in which they shall write the name of each elector voting, numbering the same in consecutive order. At the time fixed the polls shall be closed and the officers of election in each precinct shall forthwith count the votes and certify the results of the vote to the clerk of the district, place the certificate, poll list, ballots, and all other records of such election in an envelope, securely seal and mail or deliver the same forthwith to the clerk of the district. The school board shall canvass the votes and declare the results thereof.

**Subdivision 6. Special elections.** Special elections may be called and held in such districts in the same manner as annual elections. Notice of such special elections shall be given in the same way and for the same time as is now provided by law for special elections in independent school districts. The election officers appointed for the regular election shall preside at such subsequent special elections and vacancies by reason of absence or failure of any such officer to act may be filled in like manner as at regular elections. Such special elections shall be conducted and the records thereof certified to the school board the same as for regular elections. The school board shall canvass the vote and declare the result thereof within three days after the receipt of such returns from all the various precincts.

**Subdivision 7. Application of general laws.** Except as herein specifically provided, the general laws relating to the holding of annual and special elections in independent school districts shall be applied, construed, and used by the school boards and by the officers of elections in carrying out the provisions of this section.

[1915 c. 111 ss. 1, 2; 3, 4, 5, 6; 1923 c. 433 s. 1; 1941 c. 169 art. 5 s. 12]

**124.13 ACCEPTANCE AND OATH OF OFFICE.** A school board member elected at an annual meeting or election shall, on or before the first Saturday in July, file with the clerk or secretary of the district his acceptance of the office and his official oath. Any person appointed by the school board or elected at a special meeting to fill a vacancy shall file his acceptance of the office and his official oath within ten days after notice of such appointment or election. A person who fails to qualify prior to the time specified shall be deemed to have refused to serve, but such filing may be made at any time before action to fill the vacancy has been taken.

[R. L. s. 1318; 1941 c. 169 art. 5 s. 13] (2813)